

## **SECTION 1 Requirements For Ready-To-List**

### **1.1 PURPOSE**

This section describes RTL requirements and provides general references, roles, and responsibilities. The section provides a brief description of each requirement, a reference to the applicable law, regulation, policy or procedure, and instructions for completing the Ready-to-List (RTL) Certification Form.

### **1.2 ROLES AND RESPONSIBILITIES**

#### **1.2.1 PROJECT ENGINEER (PE)**

The PE is the registered engineer in responsible charge of the Plans, Specifications, and Estimate whom:

- Signs and seals the Title Sheet of the Plans.
- Certifies that the project meets all the criteria for RTL.

#### **1.2.2 DESIGN ENGINEER OR MANAGER**

The Design Engineer or Manager is the supervisor of the PE. The Design Engineer or Manager's approval indicates the PE has the knowledge and experience to assure that the RTL requirements are complete.

#### **1.2.3 PROJECT MANAGER**

The Project Manager reviews and signs the PS&E Submittal.

#### **1.2.4 DEPUTY DISTRICT DIRECTOR, DESIGN**

When the RTL Certificate is sealed by the Design Engineer, the Deputy's approval indicates the Design Engineer or Manager has the knowledge and experience to assure that the RTL requirements are complete.

#### **1.2.5 DISTRICT OFFICE ENGINEER (DOE)**

- Verifies that the plans, specifications, and estimate are full, complete, and accurate.
- Ensures the segregated estimates are correctly prepared.

### **1.2.6 STRUCTURE PROJECT ENGINEER**

The Structure Project Engineer is the registered engineer in responsible charge of the structure plans.

### **1.2.7 STRUCTURE OFFICE ENGINEER (SOE)**

The SOE is the registered engineer in responsible charge of the specifications, cost estimate, and working day schedules for the structure portion of the PS&E Package.

### **1.2.8 DES-OE**

Verifies the project meets RTL certification requirements.

## **1.3 REQUIREMENTS**

The following items provide instructions for completing RTL. The rightmost number of the following section numbers (e.g., 1.3.2, 1.3.3) correspond to the sections within the RTL Certification Form.

### **1.3.1 PROJECT IDENTIFICATION**

Enter project identification data as indicated. See the Project Development Procedures Manual (PDPM), Chapter 2, Figure 2, for determination of FHWA oversight. Note that the designation "Exempt" is now changed to "State Authorized," and the designation "Non-Exempt" is now changed to "Full Oversight."

### **1.3.2 RIGHT OF WAY (R/W) CERTIFICATION**

Overview: R/W Certification is a written statement summarizing the status of each Right of Way related matter pertaining to a proposed construction project. The R/W Certification documents that the construction project is ready for advertising. The Department must have control of the property before work can be performed which affects that property.

References: Title 23 of the Code of Federal Regulations (CFR) Sections 635.309 and 710.311, and Right of Way Manual Chapter 14.

Certification: Districts are to obtain a R/W Certification 1, 2, 3 or 3W as a condition of RTL. R/W Certification 3 must be upgraded, or 3W must be updated before bid opening. Indicate the certification obtained with a check mark and provide a copy to DES-OE.

#### **a. Certification No. 1 (Cert. 1)**

Overview: For projects to be certified under a R/W Cert. 1 the district confirms that the State has full legal and physical possession of all necessary Right of Way.

**b. Certification No. 2 (Cert. 2)**

Overview: The R/W Cert. 2 has the same requirements as Cert. 1 with the exception that the State's right to occupy and use one or more parcels are by virtue of effective Rights of Entry or Agreements for Possession and Use.

**c. Certification No. 3 with Work-Arounds (Cert. 3W)**

Overview: The R/W Cert. 3W allows for the physical construction of a project to commence when the State does not have the necessary Right of Way (Cert. 1) nor the right to occupy and use one or more parcels (Cert. 2). Cert. 3Ws are approved on an extremely limited basis. Parcels to be worked around must be clearly identified and delineated in the project plans.

Certification: On federal aid projects requiring full FHWA oversight, a Cert. 3W must be approved by FHWA. All projects with a Cert. 3W must have the status of certification updated three weeks before bid opening. Provide the target date for the update. Provide a copy of the R/W Certification and Approval Memorandum from Division of Right of Way to DES-OE.

**d. Certification No. 3 (Cert. 3)**

Overview: The R/W Cert. 3 allows for the advertisement of a project when the State does not have the necessary Right of Way (Cert. 1) nor the right to occupy and use one or more parcels (Cert. 2). Cert. 3s are approved on an extremely limited basis.

Certification: On federal aid projects requiring full FHWA oversight, a Cert. 3 must be approved by FHWA. A Cert. 3 is to be upgraded to a Cert. 1 or 2 three weeks before bid opening. Provide the target date for the upgrade. Provide a copy of the R/W Certification and Approval Memorandum from Division of Right of Way to DES-OE.

**e. Railroad Clearance**

Overview: A railroad facility on the Title Sheet indicates railroad clearances need to be addressed. There may be railroad involvement even if an item is as small as attaching guard railing to the abutment of an underpass, jacking a pipe beneath the railroad roadbed, entering railroad property for access to the work, or constructing a fence. To support federal funding authorization (E-76), the FHWA Engineer must review the Railroad Agreement and Construction Management agreement, if applicable, for projects requiring FHWA full oversight.

Reference: Title 23 CFR 646.216 and 635.309, Right of Way Manual Chapters 8, 13, and 14.

Certification: Indicate with a check mark if railroad clearance has been obtained for the project. If there is a Construction and Maintenance (C&M) agreement or service contract,

include the railroad company name, the agreement or Contract Number, and the amount of the cost estimate for services to be performed by Railroad work forces. Provide copies of the transmittal letter from Division of Right of Way, plus an electronic copy of the railroad clauses to be used to complete Section 13 of the special provisions.

### **1.3.3 ENVIRONMENTAL CERTIFICATION**

#### **a. Certification A**

Overview: Environmental Certification assures that all the appropriate environmental commitments and permit conditions have been included in the PS&E. The Environmental Certification will be approved in accordance with the executive authorization provided by the Chief of the Division of Environmental Analysis and attached to the RTL Certification Form. Before the federal Authorization to Proceed (E-76) with the construction phase of the project, the district must establish whether the approved environmental document or Categorical Exclusion determination remains valid. Consultation with the FHWA Engineer is required for all projects with federal-aid or federal involvement, including those projects designated as "State authorized" (exempt from oversight) in the FHWA Stewardship Agreement (January 2003).

Reference: Title 23 CFR 771, Title 13 PRC 21000 et seq., and the Department's Standard Environmental Reference.

Certification: Indicate with a check mark that the Environmental Certification form is attached and the date it was signed.

### **1.3.4 DESIGN CERTIFICATION**

#### **a. Mandatory and Advisory Design Standards**

Overview: Mandatory design standards are those considered most essential to achievement of a project's overall design objectives. Many pertain to requirements of law or regulations such as those embodied in FHWA's mandatory 13 controlling criteria. Advisory design standards are based on good design practices adopted by the Department.

Reference: Highway Design Manual (HDM) Section 80.

Certification: Indicate with a check mark if the project meets criteria. Districts are to certify that the project meets all mandatory and advisory design standards and to provide documentation for approved deviations.

#### **b. Exceptions to Mandatory and Advisory Design Standards**

Overview: The design exception process results in a written record that documents the engineering decisions for each and every exception from a mandatory and advisory design standard. To maintain design immunity in tort liability cases, appropriate documentation

is prepared and preserved for exceptions. The responsibility for approval of all exceptions to Mandatory Design Standards on State Highway and local facility (within State Right of Way) projects has been delegated to the Division of Design, Design Coordinator. Certain Mandatory Design Exceptions require FHWA approval. Advisory Design Exception Fact Sheets are approved by the district/region in accordance with district/region policy.

Reference: Title 23 USC Section 109, HDM, Design Memos and Design Information Bulletin.

Certification: Indicate with a check mark if the project meets the criteria. The approved Design Exception Fact Sheet must be included in the project history file. Design exceptions to the criteria in 23 USC 109 are to be listed in a "Project Design Exceptions" attachment which is to be included in the PS&E submittal. For federal-aid full oversight projects, FHWA is required to approve any exceptions to mandatory standards. Date of FHWA approval is to be provided.

**c. Statewide Design Policy Compliance**

Overview: Design Policy Compliance items shown in Section 4c of the RTL Certification Form constitute the current list of items that need to be certified, if applicable.

Reference: Guidance for the Design Policy Compliance items is shown in parentheses after the item description on the RTL Certification form.

Certification: Indicate with a check mark that the item is applicable to the project, and that all the associated requirements are completed. If required, documentation is to be included with the project submittal unless otherwise noted by the guidance.

**d. Serious or Critical Water Shortage**

**Water for Construction Project**

Overview: An adequate water supply for project construction avoids additional delays and costs.

Reference: HDM Chapter 900 and PDPM Chapter 29.

Certification: Indicate with a check mark if project has a serious or critical water shortage, and a water source commitment has been obtained. Include copies of the water source commitment with the PS&E submittal.

**Water for Landscape Project**

Overview: Advertisement of Highway Planting or Roadway Construction projects which include new planting or irrigation work may be delayed if the local water agency has

declared a serious or critical water shortage. Documentation of water availability for new planting or irrigation work is required during a serious or critical water shortage.

Reference: HDM Chapter 900 and PDPM Chapter 29.

Certification: Indicate with a check mark if project has a serious or critical water shortage, and a water source commitment has been obtained. Documentation shall be submitted with the project submittal, and a copy shall be submitted to the Office of State Landscape Architecture.

#### **e. Agency Agreements**

Overview: Entities other than the Department have interests in transportation projects. Negotiations with these agencies occur during many phases of the project's development. Some projects are financed jointly by the Department and other local or State governmental agencies or private entities. Cooperative agreements are used with local agencies to outline the responsibilities and obligations that have been negotiated.

Reference: Streets and Highways Code, Section 114, PDPM Chapters 13 and 16, and Cooperative Agreement Manual.

Certification: Indicate with a check mark if agreements are involved. Identify the agency, provide the date the agreement was issued, and show the dollar amount. Submit a copy of fully executed agreements with the PS&E submittal.

### **1.3.5 FHWA**

The PE should obtain FHWA Design Approval as early in the design process as possible, preferably before PS&E submittal to DES-OE. FHWA's "Contract Administration Core Curriculum, Participant's Manual and Reference Guide contains basic administrative procedures and applicable policies related to federal aid design and construction contracts. See Appendix D, "Websites," for the link.

#### **a. PS&E Approval**

Overview: When a project involves federal funds or is on a federal system, FHWA is involved pursuant to the stewardship and delegation of authority agreements signed with the Department.

Reference: PDPM, Chapter 2, Section 7, DES Decision Document, "Include FHWA Design Approval in RTL," dated June 2, 2003. See Appendix D, "Websites," for the link to FHWA Stewardship Agreement.

Certification: Indicate with a check mark that the project design meets all federal requirements, and that all necessary federal design approvals have been obtained pursuant

to FHWA stewardship and delegation agreements. Provide written documentation of FHWA design approval to DES-OE.

**b. Public Interest Finding Approval**

Overview: FHWA Public Interest Finding (PIF) approval may be required for federally funded projects before a project can be deemed Draft Contract Ready and RTL. A public interest finding is required when any items listed under "Certification" below are involved. Note that FHWA approval of PIFs has been delegated to Division of Budgets, Office of Federal Resources, for State authorized projects. However, all PIFs must be submitted to the Department's Federal Resources Office, Division of Budgets, for approval processing.

Reference: Title 23 CFR. FHWA's "Contract Administration Core Curriculum, Participant's Manual and Reference Guide" at <http://www.fhwa.dot.gov/programadmin/contracts/coretoc.htm>. See Appendix B, "Forms and Miscellaneous Information," for the PIF form.

Certification: If a PIF is required, indicate with a check mark that PIF approval has been obtained. All PIF requests must be processed through the Office of Federal Resources to obtain approval. Full oversight projects require FHWA approval. State authorized projects require Office of Federal Resources approval. The approved PIF should be submitted at the time of PS&E submittal. Indicate which of the following are parts of the finding:

- Advertising period of less than 3 weeks.
- Buy America.
- Convict-produced materials (as State-furnished).
- Force Account use, when incidental to the work.
- Mandatory borrow or disposal sites.
- Patented or proprietary materials specified. See Section 6 for more information.
- State-furnished materials not approved by FHWA. See Section 7 for the list of approved State-furnished materials.

**1.3.6 PLANS, SPECIFICATIONS, AND ESTIMATE CERTIFICATION (DRAFT CONTRACT READY)**

Full, complete, and accurate PS&Es lower bidding risk, improve competition, and facilitate contract administration.

**a. Complete Plans**

Overview: Complete plans prescribe the details of the work, including construction details not covered by the Standard Plans.

Reference: Section 5, "Validation of Complete Plans, Specifications, and Estimates."

Certification: Indicate with a check mark if plans are complete.

**b. Plans Conformity**

Overview: The plans shall conform to the Plans Preparation Manual.

Reference: Section 5, "Validation of Complete Plans, Specifications, and Estimates."

Certification: Indicate with a check mark if plans conform.

**c. Complete Specifications**

Overview: Complete specifications prescribe the details for construction and payment of the work.

Reference: "Validation of Complete Plans, Specifications, and Estimates" and Section 6, "Specification Preparation."

Certification: Indicate with a check mark if specifications are complete.

**d. Specification Conformity**

Overview: Project special provisions shall conform to the Specification Preparation Guide.

Reference: Section 5, "Validation of Complete Plans, Specifications, and Estimates" and Section 6, "Specification Preparation."

Certification: Indicate with a check mark if specifications conform.

**e. Complete Estimate**

Overview: Complete estimate quantifies the scope of work.

Reference: Section 5, "Validation of Complete Plans, Specifications, and Estimates," Section 7, "Project Estimate of Cost Preparation," GES 337 course manual ("Beginning BEES"), and GES 292 course manual ("Advanced BEES").

Certification: Indicate with a check mark if estimate is complete.



**f. Estimate Conformity**

Overview: Project Estimate shall meet the requirements in Section 5, "Validation of Complete Plans, Specifications, and Estimates."

Reference: Section 5, "Validation of Complete Plans, Specifications, and Estimates," Section 7, "Project Estimate of Cost Preparation," GES 337 course manual ("Beginning BEES"), and GES 292 course manual ("Advanced BEES").

Certification: Indicate with a check mark if estimate conforms.